

Lori Jordan Isley
Bernardo Rafael Cruz
COLUMBIA LEGAL SERVICES
6 South Second Street, Suite 600
Yakima, WA 98901
(509) 575-5593

Matt Adams
Glenda M. Aldana Madrid
Leila Kang
NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
Seattle, WA 98104
(206) 957-8611

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANTONIO SANCHEZ-OCHOA,

Plaintiff,

vs.

ED W. CAMPBELL, Director of Yakima
County Department of Corrections;
SCOTT HIMES, Chief of the Yakima County
Department of Corrections; and
YAKIMA COUNTY.

Defendants.

No. 1:17-CV-03124-SMJ

[PROPOSED] ORDER
GRANTING PLAINTIFF'S
TEMPORARY RESTRAINING
ORDER

Pending before the Court is Plaintiff's Motion for a Temporary Restraining
Order. The Court considered the parties' submissions regarding the motion as well
as their oral arguments, if any.

[PROPOSED] ORDER GRANTING TRO - 1

COLUMBIA LEGAL SERVICES
6 South Second Street, Suite 600
Yakima, WA 98901
(509) 575-5593

1 The Court hereby finds and rules as follows:

2 **Findings of Fact**

3 1. Plaintiff is in the custody of the Yakima County Department of
4 Corrections (DOC).
5

6 2. Plaintiff was placed in Yakima County DOC custody due to a state
7 criminal proceeding, which is currently pending.

8 3. The Yakima County DOC has placed an “immigration hold” on
9 Plaintiff.
10

11 4. Yakima County DOC’s “immigration hold” is based solely on an
12 Administrative Warrant (Form I-200) issued by the Department of Homeland
13 Security.

14 5. Plaintiff is otherwise eligible to be released from Yakima County
15 DOC custody upon payment of a \$50,000 bond.
16

17 **Conclusions of Law**

18 1. Plaintiff has demonstrated his entitlement to a temporary restraining
19 order, because:

20 a. Plaintiff has shown he is likely to succeed on the merits of his
21 claim that his Fourth Amendment right against unreasonable seizures is being
22 violated by the Yakima County DOC. The “immigration hold” currently placed on
23

1 him is unlawful, for it is based on an administrative warrant from the Department
2 of Homeland Security, not a judicial warrant. This administrative warrant is not
3 based on the determination of a neutral magistrate nor does it furnish the requisite
4 probable cause for the Yakima County DOC to hold Plaintiff beyond the time
5 authorized by his state criminal proceedings.
6

7 b. As a result of Yakima County DOC's unlawful actions,
8 Plaintiff is suffering and will continue to suffer immediate and irreparable harm if
9 relief is not granted. Plaintiff's Fourth Amendment rights are being violated.
10 Additionally, he is being prevented from being with his family and supporting
11 them.
12

13 c. The balance of hardships tips in Plaintiff's favor, as Plaintiff is
14 being deprived of his liberty while Defendants do not face any hardship if Plaintiff
15 is released.
16

17 d. The public interest is in Plaintiff's favor, for the public has an
18 interest in preventing the violation of Plaintiff's Fourth Amendment rights while
19 Defendants do not have a cognizable countervailing interest.
20

21 Accordingly, Plaintiff's Motion for a Temporary Restraining Order is
22 GRANTED. The Court hereby ORDERS Defendants to immediately remove the
23

1 immigration hold on Plaintiff so that he can post bond and be released from the
2 Yakima County Jail.

3 Because the rights sought to be enforced or protected by this temporary
4 restraining order are matters of constitutional significance and in the public
5 interest, and because Defendants are unlikely to suffer economic damages as a
6 result of this order, the Court waives any requirement that a bond be posted by
7 Plaintiff.
8

9 DATED this ____ day of July, 2017.

10
11 UNITED STATES DISTRICT JUDGE

12 Presented by:

13 COLUMBIA LEGAL SERVICES

NORTHWEST IMMIGRANT RIGHTS
PROJECT

14
15 s/ Lori Jordan Isley

s/ Matt Adams

Lori Jordan Isley, WSBA #21724

Matt Adams, WSBA #28287

Bernardo Cruz, WSBA #51382

Glenda M. Aldana Madrid, WSBA #46987

Attorneys for Plaintiff

(application for admission forthcoming)

6 South Second Street, Suite 600

Leila Kang, WSBA #48048 (application

Yakima, WA 98901

for admission forthcoming)

Phone: (509) 575-5593

Attorneys for Plaintiff

lori.isley@columbialegal.org

615 Second Avenue, Suite 400

bernardo.cruz@columbialegal.org

Seattle, WA 98104

Phone: (206) 957-8611

matt@nwirp.org

glenda@nwirp.org

leila@nwirp.org